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2251

DOCKET NO.: 9528-005-27

**HAND DELIVERY**

ASSISTANT COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

Re: Serial No.: 09/881,045  
Applicant(s): STEPHEN W. DOWNING  
Filing Date: JUNE 15, 2001  
For: APPARATUSES AND METHODS FOR PERFORMING MINIMALLY  
INVASIVE DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A  
BEATING HEART  
Group Art Unit: 3731  
Examiner: NGUYEN, VICTOR

SIR:

**RECEIVED**

**MAY 27 2003**

Attached hereto for filing are the following papers:

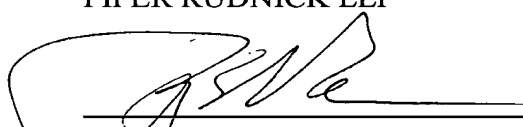
**TECHNOLOGY CENTER R3700**

FEE TRANSMITTAL  
REQUEST FOR EXTENSION OF TIME (1 MONTH)  
COMMUNICATION TO EXAMINER

Our check in the amount of \$ 55.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER RUDNICK LLP

  
Steven B. Kelber  
Attorney of Record  
Registration No.: 30,073

Perry E. Van Over  
Registration No.: 42,197

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**RECEIVED**  
**MAY 23 2003**  
**TECHNOLOGY CENTER 3700**

# FEE TRANSMITTAL

Docket No. 9528-005-27  
 Serial No. 09/881,045  
 Filing Date JUNE 15, 2001  
 Inventor(s) STEPHEN W. DOWNING  
 Group Art Unit 3731

TOTAL AMOUNT OF PAYMENT \$55.00

Examiner NGUYEN, VICTOR

1. ☒ Applicant claims small entity status.

☒ Charge any UNDERPAYMENT or credit any OVERPAYMENT in the indicated fees to Deposit Account No. 50-1442.

☐ Charge the indicated fees to Deposit Account No. 50-1442.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity Fee Description

2. ☒ Check enclosed.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description		Fee Paid	
Fee Code	Fee (\$)	Fee Code	Fee (\$)				
1001	750	2001	375	Utility filing fee		1251	110
1002	330	2002	165	Design filing fee		1252	410
1003	520	2003	260	Plant filing fee		1253	930
1004	750	2004	375	Reissue filing fee		1254	1450
1005	160	2005	80	Provisional filing fee		1255	1970

SUBTOTAL (1) \$0.00

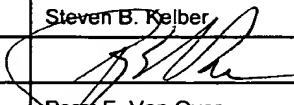
#### 2. EXTRA CLAIM FEES

tot. claims			-	20*	=	0	x	\$9	=	0	1403	280	2403	140	Request for Oral Hearing	
ind. claims			-	3*	=	0	x	\$42	=	0	1501	1300	2501	650	Utility/Reissue Issue Fee	
<input type="checkbox"/>	Multiple Dependent Claims							\$140	=		1502	470	2502	235	Design Issue Fee	
Large Entity		Small Entity				Fee Description				1503	630	2503	315	Plant Issue Fee		
Fee Code	Fee (\$)	Fee Code	Fee (\$)							1460	130	1460	130	Petitions to the Commissioner		
1202	18	2202	9	Claims in excess of 20						1806	180	1806	180	IDS Submission		
1201	84	2201	42	Independent claims in excess of 3						8021	40	8021	40	Assignment		
1203	280	2203	140	Multiple dependent claim, if not paid						1801	750	2801	375	For Filing RCE		
1204	84	2204	42	*Reissue independent claims over original patent						1802	900	1802	900	Expedited Design		
1205	18	2205	9	*Reissue claims in excess of 20 and over original patent						OTHER (indicate below):						

SUBTOTAL (2) \$0.00

\* or number previously paid, if greater; For Reissues, see above

SUBTOTAL (3) \$55.00

Name	Steven B. Kelber	Registration No.	30,073
Signature		Date	May 23, 2003
Name	Rory E. Van Over	Registration No.	42,197

DOCKET NO. 9528-005-27

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: STEPHEN W. DOWNING    ART UNIT: 3731  
SERIAL NO.: 09/881,045    EXAMINER: NGUYEN, VICTOR  
FILING DATE: JUNE 15, 2001  
FOR:            APPARATUSES AND METHODS FOR PERFORMING MINIMALLY  
                  INVASIVE DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A  
                  BEATING HEART

**COMMUNICATION TO EXAMINER**

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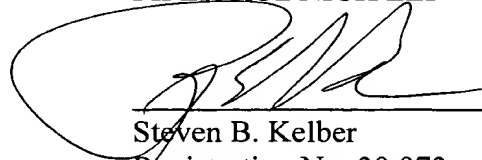
SIR:

As agreed in a teleconference on May 22, 2003 with Examiner Victor Nguyen and undersigned counsel, Applicant hereby vacates the last paper that was filed on May 21, 2003 submitted as a Response to the Restriction Requirement dated April 23, 2003.

Applicant will submit a Response to the Restriction Requirement/Election of Species Requirement within an extension period of the current due date set by the United States Patent and Trademark Office. A Request for Extension of Time for one month is attached hereto and incorporated herein by reference, thereby extending the date for Response from May 23, 2003 to June 23, 2003.

Respectfully submitted,

PIPER RUDNICK LLP

  
\_\_\_\_\_  
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